

Introduced by Senator Ducheny

February 12, 2009

An act to add and repeal Part 4.7 (commencing with Section 14700) of the Penal Code, relating to reentry.

LEGISLATIVE COUNSEL'S DIGEST

SB 151, as introduced, Ducheny. Reentry courts: pilot program.

Existing law requires the Department of Corrections and Rehabilitation to establish certain pilot programs to assist parolees in the successful reintegration of those parolees into the community.

This bill would require, until January 1, 2015, the Judicial Council to establish a pilot program for the operation of up to 10 court-based reentry programs for parolees who would benefit from community drug treatment or mental health treatment. The program would include key components used by drug and collaborative courts using a highly structured model, including close supervision and monitoring by a judicial officer, dedicated calendars, nonadversarial proceedings, frequent drug and alcohol testing, and close collaboration between the respective entities involved to improve offender outcomes. The bill would require the Judicial Council, in collaboration with the Department of Corrections and Rehabilitation, to evaluate the program and report its findings to the Legislature and the Governor, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Part 4.7 (commencing with Section 14700) is
- 2 added to the Penal Code, to read:

PART 4.7. REENTRY COURT PILOT PROJECT

14700. (a) The Judicial Council shall establish a pilot program for the operation of up to 10 court-based reentry programs for parolees who would benefit from community drug treatment or mental health treatment. The purpose of the program is to promote public safety, hold parolees accountable, and reduce recidivism. The program shall include key components of drug and collaborative courts using a highly structured model, including close supervision and monitoring by a judicial officer, dedicated calendars, nonadversarial proceedings, frequent drug and alcohol testing, and close collaboration between the respective entities involved to improve offender outcomes.

(b) As used in this section, the following terms apply:

(1) “Department” means the Department of Corrections and Rehabilitation.

(2) “Parole authority” means the Board of Parole Hearings.

(3) “Program” means the pilot program for reentry courts for parolees with drug addiction or mental health disorders.

(c) (1) A parolee who is deemed eligible by the department to participate in this program, and who would otherwise be referred to the parole authority for a parole violation, shall be referred by his or her parole officer for participation in the program in lieu of parole revocation proceedings. The court shall have the discretion to determine if the parolee will be admitted into the program and, in making this determination, shall consider, among other factors, whether the parolee will benefit from the program, the risk the parolee poses to the community, and the history and nature of the committing offense.

(2) If the court determines that the parolee will be admitted into the program, the court shall be responsible for overseeing all conditions of parole supervision and shall have final and exclusive authority to determine the appropriate conditions of parole, order rehabilitation and treatment services to be provided, determine appropriate incentives, order appropriate sanctions, lift parole holds, and to hear and determine appropriate responses to alleged violations.

(d) (1) The Judicial Council shall develop a process for site selection of up to 10 reentry courts. Applications from trial courts shall be submitted to the Judicial Council and shall include the

1 court's proposed reentry program plan, a proposed budget of
2 reimbursable costs, and any program assurances required by the
3 Judicial Council.

4 (2) A reentry court program plan shall include, but not be limited
5 to, all of the following:

6 (A) The anticipated number of parolees who will be served by
7 the program.

8 (B) The method by which each parolee eligible for the program
9 shall be referred to the program.

10 (C) The method by which each parolee is to be individually
11 assessed as to his or her treatment and rehabilitative needs and the
12 level of community and court monitoring required through the
13 program.

14 (D) The criteria for continued participation in, and successful
15 completion of, the program, as well as the criteria for termination
16 from the program and return to the parole revocation process.

17 (E) A description of how the program shall be administered
18 effectively.

19 (F) An established method by which to report outcome measures
20 for program participants.

21 (G) The development of a program team, as well as a plan for
22 ongoing training in utilizing the drug court and collaborative court
23 nonadversarial model.

24 (3) In making final selections for the reentry courts authorized
25 by this section, the Judicial Council shall include, but not be limited
26 to, consideration of which proposed reentry courts would impact
27 the highest number of parolees, the effectiveness of the reentry
28 courts in different geographical settings, such as an urban versus
29 a rural setting, and the use of regional programs serving multiple
30 counties.

31 (e) Each reentry court established pursuant to this section may
32 have, but shall not be limited to, the following characteristics:

33 (1) An assigned judicial officer.

34 (2) Close coordination between the judicial officer, department,
35 counsel, community treatment and rehabilitation programs
36 participating in the program, and adherence to a team approach in
37 working with parolees.

38 (3) Responsibility for overseeing all conditions of parole
39 supervision.

1 (f) The Judicial Council, in collaboration with the department,
2 shall design and perform an evaluation of the program that will
3 assess its effectiveness in reducing recidivism among parolees and
4 reducing parole revocations.

5 (g) The Judicial Council, in collaboration with the department,
6 shall submit a preliminary report on the program plan to the
7 Legislature and the Governor on or before March 1, 2010. The
8 Judicial Council, in collaboration with the department, shall submit
9 a final report of the findings from its evaluation of the program to
10 the Legislature and the Governor on or before December 31, 2013.

11 14701. This part shall remain in effect only until January 1,
12 2015, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, 2015, deletes or extends that date.